Claim 31 (currently amended) A gaming system in accordance with claim 30 ~~wherein the system uses~~ **further comprising a** high-speed ADSL **(Asymmetric Digital Subscriber Line)** networks which link to private banking systems~~, eg. HKSB Hexagon system~~.

Claim 32 (currently amended) A gaming system in accordance with claim 29 including ongoing security features which identify the cardholder throughout the gaming session, wherein these features include one or more of:

continuous voice recognition

retina scanning

digital image facial ~~compaction~~ **recognition**

Claim 33. (currently amended) A gaming system in accordance with claim 30 ~~including~~ **further comprising** a series of pop-up screens which indicate ~~the cardholder's~~ bets, current position and cards held.

Claim 34. (currently amended) A gaming system in accordance with claim 30 **further comprising** ~~wherein a dealer at the casino has~~ a series of pop-up screens or windows ~~which indicates each player's~~ **indicating** bets**, [[and]]** holdings and instructions given by players participating remotely ~~and can be confirmed electronically to the player who has the option of re-confirming the instructions electronically~~.

REMARKS

The drawings have been amended in a manner believed desired by the Examiner. It is respectfully submitted that the objections to the drawings have been overcome. Favorable reconsideration is respectfully requested.

The claims have been amended in a manner believed desired by the Examiner. It is respectfully submitted that the objections and the rejection under 35 U.S.C. § 112 to the claims have been overcome. Favorable reconsideration is respectfully requested.

In a spirit of conciliation to advance prosecution of the present application, claims 1, 2, and 17 have been canceled and claim 28 has been amended to depend from claim 16. Thus, the rejections based upon Gressel have been overcome.

The claims remaining in this application have been rejected based upon six references "view collectively." However, as set forth in In re Fine, 5 USPQ2d 1596, 1599 (CAFC 1988):

> Obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." (case citation) But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." (case citation) And "teachings of references can be combined only if there is some suggestion or incentive to do so." (case citation) Here, the prior art contains none. (emphasis theirs)

Furthermore, the CAFC in American Hoist & Derrick Co., v. Sowa & Sons, Inc., 220 USPQ 763, 771 (1984) quoted:

> A patentable invention *** may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose, without producing anything beyond the results inherent in their use. (Emphasis theirs.)

Similarly, the Court of Appeals for the Federal Circuit In re Sernaker, 702 F.2d 989, 217 USPQ 1, 5 (1983) stated:

> We may assume, for purposes of this decision, that all the prior art references in this case are sufficiently related to one another and to a related and common art, that the hypothetical person skilled in the art must be presumed to be familiar with all of them. That being so, the next questions are (a) whether a combination of the teachings of all or any of the references would have suggested (expressly or by implication) the possibility of achieving further improvement by combining such teachings along the line of the invention in suit, and (b) whether the claimed invention achieved more than a combination which any or all of the prior art references suggested, expressly or by reasonable implication.

It is respectfully submitted the Vuong does not disclose that it is deficient or that further improvement along the lines of the present invention are desirable or even a possibility. Likewise, none of Crevelt, Harkin, Gressel, Kawan, or Stock provide any suggestion that their teachings could be utilized in some manner to improve Vuong or that it is desirable or a possibility to do so. Furthermore, none of Crevelt, Harkin, Gressel, Kawan or Stock provide any

suggestion that their teachings are deficient or that further improvement along the lines of the present invention are desirable or even a possibility, or that their teachings can somehow be combined in a manner as the present invention. As stated by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Co. v. United States, 702 F.2d 1005, 217 U.S.P.Q. 193 (Mar. 11, 1983):

> The question of nonobviousness is a simple one to ask, but difficult to answer . . . As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be nonobvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law.

It is respectfully submitted that only the present application provides the guide necessary to combine and modify the six references relied upon in an effort to reach each of the recitations of the claims of the present application. It is then respectfully submitted that the rejection under 35 U.S.C § 103 has been overcome. Favorable reconsideration is respectfully requested.

The Examiner has cited the United States patents listed in NOTICE OF REFERENCES CITED as F-J and indicated consideration of the prior art cited in the parent PCT application and listed by the applicant. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicants' gaming systems and methods which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner and the

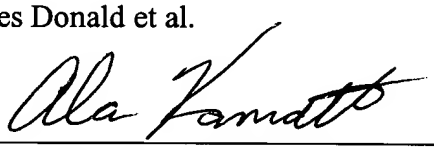
applicant, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 3-16 and 18-34, as amended, of the present application and to pass this application to issue.

If the present amendment does not place the above application in condition for allowance, a personal interview with Examiner Marks is respectfully requested.

Dated: August 12, 2003

Respectfully submitted,

Ian Forbes Donald et al.

By: 

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